

September 1, 2022

Via ECF

The Honorable Stewart D. Aaron
United States District Court
Southern District of New York
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007-1312

Re: Letter Motion for Approval to Seal in *In re ACTOS Antitrust Litig.* (1:13-cv-09244-RA-SDA)

Dear Magistrate Judge Aaron:

We write on behalf of all parties to the above-captioned litigation. Pursuant to Your Honor's Individual Practice II.B.3, within three days of documents being filed under seal, a letter must be filed seeking permission to maintain that sealed filing.

On August 30, 2022, Plaintiffs filed a letter motion concerning Defendants' privilege waiver in this case. ECF 394. That motion and the exhibits attached thereto were filed under seal because they include, or reference, documents Defendants have designated "Confidential" pursuant to the Protective Order entered in this case, which contain confidential and/or commercially sensitive information. *See* ECF 394-1-8.

Counsel for the parties have conferred on the relief requested in this sealing motion. Defendants request that these materials remain under seal because they contain confidential communications between Takeda and its legal counsel that reflect legal advice to which the public right of access should not apply. Plaintiffs do not oppose Defendants' request that the documents be kept under seal.

We appreciate Your Honor's attention to this matter.

Respectfully submitted,

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/s/ Thomas M. Sobol
Counsel for the Proposed Direct Purchaser Class

R. Brendan Fee
/s/ R. Brendan Fee
Counsel for Defendants

Steve D. Shadowen
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cc: Counsel of record (via ECF)